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09/680,608	10/04/2000	David C. Gelyin	21200-716	9581

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2145

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/680,608	Applicant(s) GELVIN ET AL.	
	Examiner Adnan M. Mirza	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16,19-64 are rejected under 35 U.S.C. 103(a) as being unpatentable
Obradovich et al (U.S. 2006/0206576) and Spaur et al (U.S. 5,732,074).

As per claims 1,42,49,56,57 Obradovich disclosed a method for remotely manipulating vehicle elements, comprising: coupling among a plurality of network elements including at least one vehicle internet work, at least one gateway of the vehicle, and the Internet (Page.1, Paragraph. 0009); wherein the gateway node in the vehicle comprises at least one real-time interface processor (RTIP) and at least one application processor, the RTIP performing real-time operations and the application processor performing high-level processing functions; Wherein the RTIP couples the application processor to a vehicle bus and to an external network; providing at least one of data processing, data storage, access control (Page. 7, Paragraph. 0076), protocol translation, security including service discovery and device authentication and network control using the gateway node; automatically providing secure interoperability among the plurality of network elements in response to node information including configuration and security information (Page. 6, Paragraph. 0065);

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However Obradovich did not disclose in detail remotely manipulating at least one function of the vehicle elements.

In the same field of endeavor Spaur disclosed the controller includes a processor for performing processing operations including running of executable running program code, including in the context of utilizing or incorporating data that the controller has access to, including in the context of utilizing or incorporating data that the controller 30 has access to. Preferably, the processor 90 is a single microprocessor that performs multiple tasks, in conjunction with a real time operating system (RTOS) 94. That is, the RTOS 94 manages a number of services associated with conducting one or more applications oriented tasks. Preferably, the RTOS 94 includes a kernel that is involved in performing real time multi-tasking including: task management, inter task communication, memory management, message management, timing, I/O management and error management. In the context of applications associated with the vehicle, the RTOS 94 works with applications software in a multi-task scheme to respond to requests for vehicle related information including data (col. 8, lines 7-23).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the controller includes a processor for performing processing operations including running of executable running program code, including in the context of utilizing or incorporating data that the controller has access to, including in the context of utilizing or incorporating data that the controller 30 has access to. Preferably, the processor 90 is a single microprocessor that performs multiple tasks, in conjunction with a real time operating system (RTOS) 94. That is, the

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RTOS 94 manages a number of services associated with conducting one or more applications oriented tasks. Preferably, the RTOS 94 includes a kernel that is involved in performing real time multi-tasking including: task management inter task communication, memory management, message management, timing, I/O management and error management. In the context of applications associated with the vehicle, the RTOS 94 works with applications software in a multi-task scheme to respond to requests for vehicle related information including data as taught by Spaur in the method of Obradovich the implementation of this communication system is to reduce burdensome and increase the processing capability which is portable and practical for the vehicle environment.

3. As per claims 2,43,50 Obradovich-Spaur disclosed further comprising hosting the at least one vehicle internet work on at least one of automobiles, trucks, aircraft, trains, motorcycles, and marine vessels (Spaur, col. 2, lines 28-33).

4. As per claims 3,44,51 Obradovich-Spaur disclosed further comprising coupling at least one gateway node of the vehicle to a remote user computer (Obradovich, Page. 1, Paragraph. 0009).

5. As per claims 4,45,52 Obradovich-Spaur disclosed wherein the at least one function includes vehicle control functions, security function, diagnostic functions, and network access functions (Obradovich, Page. 1, Paragraph. 0009).

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6. As per claims 5,46,53 Obradovich-Spaur disclosed further comprising establishing communication among the at least one node of a plurality of host vehicles (Obradovich, Page. 2, Paragraph. 0025).
7. As per claims 6,47,54 Obradovich-Spaur disclosed further comprising supporting data transfer and manipulation among the plurality of network elements using at least one coupling among the at least one vehicle internet work and at least one external network (Spaur, col. 2, lines 29-42), wherein the data includes vehicle assembly data, service data, diagnostic data, maintenance data, maintenance history data, security data, vehicle position data, vehicle operations Profile data, operator profile data, fleet management data, fleet reliability analysis data, electronic mail, entertainment software, and targeted advertising data (Obradovich, Page. 2, Paragraph. 0025).
8. As per claims 7,38,41,48,55 Obradovich-Spaur disclosed further comprising: receiving a first type of data from the at least one vehicle internet work; performing diagnostic and prognostic analysis on the first type of data; transmitting a second type of data to the at least one vehicle internet work in response to the diagnostic and prognostic analysis (Obradovich, Page. 3, Paragraph. 0030).
9. As per claim 8,9 Chua-Spaur disclosed further comprising reprogramming at least one element of the at least one vehicle internet work using at least one Internet coupling (Obradovich, Page. 1, Paragraph. 0009).

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10. As per claim 10 Obradovich-Spaur disclosed wherein the at least one vehicle internet work comprises at least one peripheral electronic device, wherein the at least one peripheral electronic device includes at least one device of climate control devices, actuator -devices, position location devices, Global Positioning System (GPS) devices (Obradovich, Page. 2, Paragraph. 0071), communication devices, cellular telephony devices, personal digital assistants (PDAs), processing devices, diagnostic devices, modems, pager devices, video devices, audio devices, multimedia devices, electronic game devices, sensor devices, switch devices, anti-theft devices, device subnet works, and wireless local area network (LAN) devices (Obradovich, Page. 3, Paragraph. 0029).

10. As per claim 11 Obradovich-Spaur disclosed further comprising supporting atomic transactions among the plurality of network elements (Spaur, col. 6, lines 54-61).

11. As per claim 12 Obradovich-Spaur disclosed further comprising manipulating the node information including configuration and security information to provide secure interoperability among the plurality of network elements and at least one peripheral electronic device (Obradovich, Page. 1, Paragraph. 0008).

12. As per claim 13 Obradovich-Spaur disclosed wherein the at least one vehicle internet work comprises at least one local area network that includes at least of an Original Equipment Manufacturer (OEM) bus (Obradovich, Page. 3, Paragraph. 0029), at least one Automotive Multimedia Interface Consortium (AMI-C) bus, at least one external network, at least one legacy automotive local development network, and at least

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one legacy automotive bus of Audio Control Protocol (ACP) buses and Standard Corporate Protocol (SCP) buses (Obradovich, Page. 3, Paragraph. 0031).

13. As per claim 14 Obradovich-Spaurs disclosed further comprising: accessing the plurality of network elements using at least one local development network; and performing application upgrades, diagnostics, and programming, wherein the at least one local development network supports manipulation and transfer of entertainment software (Spaur, col. 2, lines 24-32), wherein the entertainment software comprises at least one of video, audio, movies, television shows, music, games, and simulations (Obradovich, Page. 7, Paragraph. 0077).

14. As per claim 15 Obradovich-Spaurs disclosed wherein the at least one vehicle internet work comprises at least one interface port including at least one of Intelligent Data Bus (IDB-C) ports, MOST ports, Institute of Electrical and Electronics Engineers (IEEE) 1394 ports (Obradovich, Page. 3, Paragraph. 0029), On-Board Diagnostic-11 (OBD-11) ports, Standard Corporate Protocol (SCP) ports, Audio Control Protocol (ACP) ports, Blue tooth ports, Personal Communications Service (PCS) ports, Global System for Mobile Communications (GSM) ports, and local area network ports (Obradovich, Page. 10, Paragraph. 0102).

15. As per claim 16 Obradovich-Spaurs disclosed wherein providing secure interoperability further includes distributing at least one function among the plurality of network elements in response to a coupling of peripheral electronic devices to at least one

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local area network of the at least one vehicle internet work (Obradovich, Page. 7, Paragraph. 0077).

16. As per claim 19 Obradovich-Spaur disclosed wherein the at least one vehicle internet work comprises at least one port node including at least one device selected from a group consisting of at least one processor, at least one memory cache, at least one wireless modem, at least one network protocol, at least one policy, and at least one wired local area network (LAN) (Obradovich, Page. 4, Paragraph. 0052).

17. As per claim 20 Obradovich-Spaur disclosed further comprising coupling the at least one vehicle internet work to at least one subnet work, wherein the at least one subnet work comprises at least one device selected from a group consisting of sensor devices, actuator devices, wired network devices, and wireless network devices (Obradovich, Page. 4, Paragraph. 0045).

18. As per claim 21 Obradovich-Spaur disclosed wherein the at least one vehicle internet work generates at least one hierarchy of communication alternatives in response to a determined position of a host vehicle, wherein a selected communication device is used to communicate with the at least one other site (Spaur, col. 5, lines 5-19).

19. As per claim 22 Obradovich-Spaur disclosed further comprising controlling data processing using at least one processing hierarchy that controls at least one of data

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classifications, data transfers, data queuing, data combining, processing locations, and communications among the plurality of network elements (Spaur, col. 5, lines 43-66).

20. As per claims 23,58 Obradovich-Spaur disclosed further comprising distributing at least one function among the plurality of network elements, wherein the at least one function includes at least one of data acquisition, data processing, communication management, data routing, data security (Obradovich, Page. 6, Paragraph. 0065), programming, node operation, protocol translation, network management, and interfacing with at least one communication physical layer including cellular telephony, wire line telephone, satellite telephony, packet radio, microwave, optical (Obradovich, Page. 6, Paragraph. 0069).

21. As per claims 25,59 Obradovich-Spaur disclosed further comprising automatically organizing the plurality of network elements, wherein the automatic organizing comprises automatically controlling data transfer, processing, and storage among the plurality of network elements (Obradovich, Page. 1, Paragraph. 0009).

22. As per claims 26,39 Obradovich-Spaur disclosed further comprising supporting at least one level of synchronization among different subsets of the plurality of network elements, wherein a first level of synchronization is supported among a first subset of the plurality of network elements (Obradovich, Page. 1, Paragraph. 0009), wherein a second level of synchronization is supported among a second subset of the plurality of network elements (Spaur, col. 11, lines 5-15).

23. As per claims 27,60 Obradovich-Spaurs disclosed further comprising self-assembling the plurality of network elements, wherein search and acquisition modes of the plurality of network elements search for participating ones of the plurality of network elements, wherein a determination is made whether each of the participating ones of the plurality of network elements are permitted to join the vehicle (Spaur, col. 12, lines 1-17): internet work using a message hierarchy, wherein the plurality of network elements are surveyed at random intervals for new nodes and missing nodes (Spaur, col. 7, lines 14-23).

24. As per claim 28 Obradovich-Spaurs disclosed wherein service discovery comprises synchronizing at least one node, authenticating the at least one node, determining at least one communication mode for the at least one node, informing the at least one node of resources available among the plurality of network elements (Obradovich, Page. 1, Paragraph. 0009).

25. As per claim 29 Obradovich-Spaurs disclosed further comprising collecting data among the plurality of network elements, wherein at least one operation is performed on the data in response to parameters established by a user, the at least one operation being at least one of classification, routing, processing, storing, and fusing (Obradovich, Page. 6, Paragraph. 0071).

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26. As per claim 30 Obradovich-Spaur disclosed wherein routing comprises selecting at least one data type for routing, determining at least one communication type and at least one communication coupling for routing, selecting at least one of the plurality of network elements to which to route the selected data, selecting at least one route to the selected at least one of the plurality of network elements (Obradovich, Page. 6, Paragraph. 0071) and routing the selected at least one data type to the selected at least one of the plurality of network elements (Spaur, col. 14, lines 35-38).

27. As per claim 31 Obradovich-Spaur disclosed wherein processing comprises selecting at least one data type for processing, selecting at least one processing type, selecting at least one of the plurality of network elements to perform the selected at least one processing type, and transferring the selected at least one data type to the selected at least one of the plurality of network elements using at least one route (Obradovich, Page. 6, Paragraph. 0066).

28. As per claims 32,40 Obradovich-Spaur disclosed wherein storing comprises selecting at least one data type for storage, selecting at least one storage type, selecting at least one of the plurality of network elements to perform the selected at least one storage type, and transferring the selected at least one data type to the selected at least one of the plurality of network elements using at least one route through the plurality of network elements (Obradovich, Page. 9, Paragraph. 0097).

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29. As per claim 33 Obradovich-Spaar disclosed wherein fusing comprises a first node transmitting at least one query request to at least one other node, wherein the first node collects data from the at least one other node in response to the at least one query request, and processes the collected data (Obradovich, Page. 1, Paragraph. 0009).

30. As per claim 34 Obradovich-Spaar disclosed wherein the plurality of network elements comprise a plurality of application programming interfaces (APIs), wherein the APIs include APIs for application support, database services, routing, security, network management, and deployment (Obradovich, Page. 6, Paragraph. 0066).

31. As per claim 35 Obradovich-Spaar disclosed wherein the plurality of APIs are layered, wherein the plurality of APIs enable distributed resource management by providing network resource information among the plurality of network elements, wherein information transfer among the plurality of network elements is controlled using a synchronism hierarchy established in response to the network resource information (Obradovich, Page. 6, Paragraph. 0071).

32. As per claim 36 Obradovich-Spaar disclosed further comprising supporting at least one of wireless communications, wired communications, and hybrid wired and wireless communications (Obradovich, Page. 1, Paragraph. 0009).

33. As per claim 37 Obradovich-Spaar disclosed further comprising coupling the at least one vehicle internet work to at least one remote computer through the plurality of

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network elements, wherein the plurality of network elements further includes at least one of at least one station gateway, at least one server, at least one repeater, at least one interrogator, and at least one network, wherein the at least one network includes wired networks, wireless networks, and hybrid wired and wireless networks (Obradovich, Page. 1, Paragraph. 0009).

34. As per claim 61 Obradovich-Spaur disclosed wherein the at least one gateway node provides protocol translation in bridging a first vehicle bus and a second vehicle bus (Obradovich, Page. 5, Paragraph. 0060).

35. As per claim 62 Obradovich-Spaur disclosed wherein the at least one gateway node functions as an Internet Protocol (IP) router, and wherein the RTIP comprises a high-speed bus controlled by at least one device coupled to the first vehicle bus (Obradovich, Page. 2, Paragraph. 0025).

36. As per claim 63 Obradovich-Spaur disclosed wherein at least one gateway node includes a wireless access port for local area networking (Obradovich, Page. 1, Paragraph. 0009).

37. As per claim 64 Obradovich-Spaur disclosed wherein the RTIP couple the application processor to a vehicle bus and to an external network (Obradovich, Page. 1, Paragraph. 0009).

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Response to Arguments

Applicant's arguments with respect to claims 1-16,19-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

38. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

39. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Adnan Mirza

Examiner



JASON CARDONE
SUPERVISORY PATENT EXAMINER